

**Public Hearing Minutes
of the
Louisville Metro Air Pollution Control Board
January 19, 2011**

A public hearing of the Louisville Metro Control Board was called to order on January 19, 2011, at 10:01 a.m. in the Board Room of the Louisville Metro Air Pollution Control District, 850 Barret Avenue, Louisville, Kentucky, by the Chairman, Dr. Robert Powell.

General Statement, Rules and Purpose

The Chairman read the opening announcements, rules and purpose of the Public Hearing which was to review two agreed Board Orders and one amended regulation.

1. Agreed Board Order with the University of Louisville

Ms. Terri Phelps, District Enforcement Manager, said the District alleged that the University of Louisville (University) violated District Regulation 5.04, which adopts by reference federal asbestos requirements for demolition and renovations. Ms. Phelps said that in March 2010, representatives of the University notified the District that lighting contractors had removed light fixtures that contained asbestos insulated wiring from two or more buildings on campus before the University had thoroughly inspected for the presence of asbestos.

Ms. Phelps said the District and the University agreed to a penalty of \$15,000 to resolve the case. She said the University requested that it be allowed to conduct a Supplemental Environmental Project (SEP) and receive up to a \$15,000 credit against the penalty. The University plans to produce a training video for workers who come in contact with asbestos containing materials and is currently researching the cost and other requirements for the project. Ms. Phelps said the proposed Order would allow the University 60 days to propose a project for approval by the District.

Ms. Phelps said the District recommended the Board adopt the Agreed Board Order with the University of Louisville, as proposed.

Statements

Mr. Brad Dillon, attorney with Greenebaum, Doll & McDonald, represented the University. Also in attendance, representing the University, were George Kirwan, Jeffrey Dean and Larry Detherage. Mr. Dillon answered questions from the Board on behalf of the University. He said the violation was an incident in which someone from the University discovered the asbestos material and immediately reported it to the District. Mr. Dillon said the University thought it had proper procedures in place on projects to replace lighting. Also, he stated the University had made information available on asbestos to the contractor and sub-contractors and the University had taken all the necessary steps to prevent the incident. Mr. Dillon said it was unfortunate the incident occurred which is the reason the University believes an asbestos educational video would allow the University to better instruct people on how to deal with asbestos. Also, he said it would be useful to the community and the University going forward.

Dr. Al-Shami asked Mr. Dillon if the University or the sub-contractor was responsible for the asbestos violation and payment of the penalty. Mr. Dillon said both parties were legally responsible for the violation. He stated the District would need to determine if the sub-contractors had any responsibility separate from the University. Ms. Phelps said the District was in the process of preparing an enforcement

case against the sub-contractors that is separate from the University. She said the University provided the information that will allow the District to prepare a case against the sub-contractors.

Dr. Powell stated that he believed that the asbestos video proposal should also benefit the public and asked if that could be included in the Order. Ms. Phelps said this language was not currently included in the proposed Agreed Board Order but the District could accommodate the request. Ms. Phelps said that the District would need to discuss this with the University and bring a revised Order before the Board next month.

2. Agreed Board Order with Rohm and Haas Company

Ms. Phelps said the District alleged that Rohm and Haas Company violated District Regulation 2.16 and its Title V permit. Ms. Phelps stated that in June 2010, Rohm and Haas notified the District that excess hazardous air pollutants were released from a railcar at the facility. The overheating and polymerization of the contents of the railcar caused the release of approximately eight tons of Methyl Methacrylate and 700 pounds of Ethyl Acrylate in one day.

Ms. Phelps said the company agreed to a penalty of \$97,500 to resolve this case. She said the company has requested to conduct a SEP to receive some credit against the penalty. The company has identified a project that will reduce some Hazardous Air Pollutants (HAPs) and a source of odor at the facility.

Statements

Ms. Jana Zigrye, Environmental Health and Safety Leader at Rohm and Haas, attended the public hearing. She did not have a prepared statement but said she would answer any questions.

There were no questions from the Board or the public.

3. Amendments to Regulation 1.06 *Stationary Source Self-Monitoring, Emissions Inventory Development, and Reporting* Version 9, proposed November 17, 2010

Ms. Anderson reviewed the proposed amendments to Regulation 1.06. She said the amendments were originally proposed in March 2010 as part of a package of amendments to the STAR program that dealt with air toxics. Ms. Anderson said the purpose of the amendments was to continue to require the larger sources to submit reports for criteria pollutants, hazardous air pollutants and toxic air pollutants. Also, she said that EPA requires larger sources to submit their modeling procedures to report emissions. Ms. Anderson stated the proposed changes to Regulation 1.06 were to clarify and streamline the monitoring, recordkeeping and reporting requirements for stationary sources. Also, the proposed amendments delete or combine redundant provisions, and make other changes to improve readability.

Ms. Anderson stated the District recommended the Board approve the amendments to Regulation 1.06, as proposed.

Statements

Dr. Al-Shami asked if the shortened version of Regulation 1.06 affected air quality. Ms. Anderson said the change would not affect air quality but would eliminate the frequent use of paper for both the regulated sources and the District.

Adjournment

The public hearing adjourned at 10:21 a.m.

Robert W. Powell, M.D.
Chairman

Rachael Hamilton
Secretary-Treasurer